

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA )

v. )

HECTOR UMUL SOCOP, )

Case No. 8:24-MJ-405 (MJK)

Defendants. )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of September 1, 2024, in the county of Franklin in the Northern District of New York the defendant violated:

*Code Section*

8 U.S.C. § 1325(a)(2)

*Offense Description*

The defendant, an alien and citizen of Guatemala, unlawfully eluded examination and inspection by Immigration officials by entering the United States at a place not authorized for the entrance of immigrants.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

9/2/2024 2:50 PM

*D. Matthews**Complainant's signature*

U.S. Border Patrol Agent Dustin M. Matthews

*Printed name and title*

Attested to by the Affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: 9/3/2024

*Mitchell J. Katz**Judge's signature*

City and State: Syracuse, New York

Hon. Mitchell J. Katz, U.S. Magistrate Judge

*Printed name and title*

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This criminal complaint is based on the following facts:

On September 1, 2024, at approximately 2:45 AM, Border Patrol Agents assigned to the Burke Border Patrol Station utilizing a service issued laptop detected a blue Ford F-150 bearing New Jersey license plates J48UGV entering their area of responsibility (AOR). Agents positioned themselves along New York State Route 11 in Churubusco and Chateaugay, New York to observe the truck as it passed their location.

At approximately 3:00 AM, the F-150 passed agents positioned in Chateaugay, New York. This area is illuminated with streetlights and agents were able to clearly see that the F-150 was only occupied by the driver. Agents ran vehicle registration queries on the license plate, and records indicated that the F-150 was a rental vehicle.

Agents did not immediately pull out behind the F-150, but rather passed the information along to agents positioned further west along New York State Route 11. These agents were operating unmarked service vehicles and would be able to monitor the F-150's route of travel without immediately being identified as law enforcement. The F-150 turned right onto New York State Route 122 at which time agents got closer to the vehicle to ensure they did not lose visibility on the F-150. While on New York State Route 122, the F-150 slowed and abruptly pulled over several times. This tactic has been observed by agents many times before, as smugglers typically use this tactic to ensure they are not being followed by law enforcement.

The F-150 then proceeded to New York State Route 37 and turned south onto New York State Route 37 before making an immediate right turn onto Ferris Road. Agents were unable to follow the F-150 onto Ferris Road out of concern that they would be identified as law enforcement. Approximately one minute later, agents observed the vehicle turn back north onto New York State Route 37 off of Franklin County Route 19, now heading towards the United States-Canada international border. Based off the training and experience of the agents, they believed this was yet another counter-surveillance maneuver by the F-150's driver.

Agents lost sight of the vehicle briefly, however, were able to detect it via electronic surveillance equipment travelling north on New York State Route 37. Approximately three minutes later, the F-150 was detected travelling south on New York State Route 37. Agents then positioned themselves along the route of travel that the F-150 took when entering the area. Agents positioned in Chateaugay, New York observed the F-150 travelling back eastbound on New York State Route 11. As the F-150 was travelling eastbound through the town of Chateaugay, agents could clearly see that the F-150 was no longer occupied by only one individual, but several adult males.

Agents pulled out behind the F-150 and based on the totality of the circumstances, activated their emergency lights and sirens and executed a vehicle stop just east of Cassidy Road on New York State Route 11 in Chateaugay, New York.

Agents approached the vehicle and identified themselves as United States Border Patrol Agents in the English and Spanish languages. Agents asked the driver to state his citizenship, and he claimed to be a United States citizen. Agents then asked the driver, later identified with initials E.F.-M. where he was coming from and what he was doing in the area. E.F.-M. answers changed so many times that it was difficult for agents to understand his story. E.F.-M. first stated, "I am looking for a place to camp with my friend." E.F.-M. was then asked if any of the passengers were his "friend" and he said "no." At this time, E.F.-M. stated that he "drove up alone, picked up the three people from a campground and now heading back to New York." E.F.-M. then spontaneously uttered, "I was told to come pick up some people and take them somewhere, now I'm going home." The clearest part of

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E.F.-M.'s explanation was that he was coming to look for a camp site for his friend "Alex." Agents asked what Alex's last name was and E.F.-M. stuttered and said he didn't know. At this time, E.F.-M. was detained in the back of a marked Border Patrol service vehicle. Agents asked the other occupants in the vehicle to state their citizenship. All three individuals, who were visibly soaking wet and covered in mud and grass, claimed to be Guatemalan nationals and all claimed to have entered the United States illegally from Canada earlier in the night. One of the Guatemala national was identified as Hector UMUL Socop. All of the Guatemala nationals stated that they were then picked up by E.F.-M. at a campground. That campground was identified by agents as The Babbling Brook Campground in Westville, New York.

At this time all occupants of the F-150 were placed under arrest and transported to the Burke Border Patrol Station for further record checks, interviews and processing.

At the Burke Border Patrol Station, biographical information and fingerprints were entered into Department of Homeland Security databases for all four subjects. Record checks confirmed information that was previously gathered roadside.

Nationals and Citizens of Guatemala are required to apply for a visa if they seek to enter the United States. Guatemala citizens who are issued a visa by the United States government are required to present the visa and the person's passport to an immigration official at a Port of Entry as he or she seeks admission into the United States. Hector UMUL Socop does not possess valid visa and records show that he has not applied for one. If UMUL Socop had presented himself to a Port of Entry and asked permission to enter the United States, he would have been denied admission as he does not possess valid United States visa.

At the Burke Border Patrol Station, UMUL was read his *Miranda* right and agreed to speak with agents without an attorney present. UMUL stated that he flew to Canada in May 2024 to work. UMUL said that he received a phone number through some friends and that he had to pay \$2,000.00. UMUL state that he was provided GPS locations to cross the border. UMUL stated that he was supposed to pay the driver but didn't know how much. UMUL stated that location and transportation were pre-arranged, and UMUL was told to be at the location at 2:00 AM.